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AMENDMENTS TO LB 343

1 1. Strike the original sections and insert the following
2 new sections:

3 "Section 1. Section 86-401, Revised Statutes Supplement,
4 2004, is amended to read:

5 86-401. Sections 86-401 to ~~86-419~~ 86-418 and section 7
6 of this act shall be known and may be cited as the Nebraska Public
7 Safety Wireless Communication System Act.

8 Sec. 2. Section 86-402, Revised Statutes Supplement,
9 2004, is amended to read:

10 86-402. The Legislature finds that:

11 (1) During emergencies the resources of the state and its
12 political subdivisions must be effectively directed to save lives,
13 to protect property, and to meet the needs of its citizens;

14 (2) Public safety agencies fulfill this unique and
15 essential role;

16 (3) Public safety agencies are only as effective as their
17 ability to communicate. To adequately ensure public safety, such
18 agencies require an efficient, reliable communication system which
19 accounts for their unique role and the specialized needs that
20 accompany such role;

21 (4) Present radio communication systems used by public
22 safety agencies during daily operations and emergencies are
23 deficient. Nebraska's systems are based on outdated technologies,
24 rely on inadequate equipment, are susceptible to communication

1 interference, have limited coverage areas, operate under the
2 constraints of a limited number of radio frequency channels, and
3 lack coordination and the ability to interoperate among city,
4 county, and other local users, state users, and federal users.
5 Additionally, such systems presently do not allow for secure
6 transmissions which are necessary for the protection and integrity
7 of public safety communications;

8 (5) Recent changes and advances in communication
9 technology, including wireless communication, would increase the
10 capability of public safety agencies to provide efficient and
11 effective public safety services;

12 (6) Investment in the public safety communication
13 infrastructure is required to ensure the effectiveness of
14 Nebraska's public safety agencies. Since the maintenance of public
15 safety is a paramount concern but the cost of purchasing and
16 operating multiple communication infrastructures is prohibitive, it
17 is imperative that local and state public safety agencies cooperate
18 in their efforts to obtain a single statewide seamless
19 communication system; and

20 (7) Regional approaches to communications planning and
21 preparedness and the adoption of regional response structures
22 should be used to develop and sustain interoperable communications.
23 Local and state public safety agencies shall develop a
24 comprehensive interoperable communications plan before receiving
25 any state or federal funding to build, upgrade, enhance, or replace
26 communications systems; and

27 (8) A statewide seamless communication system should

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1 balance the need for multiple simultaneous users while maintaining
2 autonomy for the internal use of individual agencies. The
3 objectives of such a system should include maximizing resources and
4 reducing duplication among public safety agencies as well as
5 encouraging cooperation, coordination, consolidation, sharing, and
6 partnerships between public agencies and private entities.

7 Sec. 3. Section 86-410, Revised Statutes Supplement,
8 2004, is amended to read:

9 86-410. In order to establish a system+

10 ~~(1) An~~ an acquisition agency may be established as a
11 joint entity under the Interlocal Cooperation Act. An acquisition
12 agency shall acquire real and personal property for use in
13 connection with such system and shall construct any facilities
14 necessary to implement such system. ~~+ and~~

15 ~~(2) An alliance may be established as a joint entity~~
16 ~~under the Interlocal Cooperation Act to operate, maintain, and~~
17 ~~manage the system. In addition to the requirements in section~~
18 ~~13-804, an agreement to establish an alliance may provide that the~~
19 ~~State of Nebraska, on behalf of the Department of Administrative~~
20 ~~Services, the Game and Parks Commission, and the Board of Regents~~
21 ~~of the University of Nebraska, may be a member of the alliance.~~

22 Sec. 4. Section 86-414, Revised Statutes Supplement,
23 2004, is amended to read:

24 86-414. (1) An acquisition agency may acquire real and
25 personal property and may construct facilities based upon (a) the
26 implementation plan, (b) the ongoing advice and assistance of the
27 ~~board and the~~ division, and (c) the determinations made by the

1 members and governing body of the acquisition agency.

2 (2) ~~An alliance is a public body which may be operated~~
3 ~~not for profit with no profit or dividend inuring to the benefit of~~
4 ~~any individual. An alliance may employ consultants and other~~
5 ~~persons as deemed necessary and may set and approve compensation~~
6 ~~for such consultants and other persons. An alliance may have all~~
7 ~~powers authorized under the Nebraska Public Safety Wireless~~
8 ~~Communication System Act and the Interlocal Cooperation Act and may~~
9 ~~operate, maintain, and manage the system pursuant to an operating~~
10 ~~agreement entered into by the acquisition agency and the alliance.~~
11 ~~Any operating agreement may provide that the alliance shall (a)~~
12 ~~make the system available for the use of public safety agencies and~~
13 ~~(b) allow local, state, and federal public safety agencies to~~
14 ~~interconnect with the system's infrastructure to enable~~
15 ~~multi-agency, multijurisdictional responses to public safety~~
16 ~~situations.~~

17 ~~(3)~~ The Governor, acting on behalf of the state or any of
18 its agencies or departments, may assign any license or other user
19 rights relating to or useful for public safety communications,
20 whether presently owned or subsequently acquired on April 20, 2002,
21 to an ~~alliance or~~ acquisition agency. The state shall retain
22 ownership of the license or other user rights.

23 Sec. 5. Section 86-415, Revised Statutes Supplement,
24 2004, is amended to read:

25 86-415. (1) The State of Nebraska, on behalf of the
26 Department of Administrative Services and the Game and Parks
27 Commission, is authorized to enter into a service agreement for a

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1 statewide seamless wireless communication system with+

2 ~~(a) Any~~ any acquisition agency. The service agreement
3 may extend for a term of years subject to appropriation of funds
4 for payment and shall provide for contracting for user rights with
5 respect to the real and personal property owned by the acquisition
6 agency and used in connection with the system. ~~+~~ and

7 ~~(b) Any alliance.~~ The service agreement may extend for a
8 term of years subject to appropriation of funds for payment and
9 shall specify the services to be provided by the alliance in
10 operating, maintaining, and managing the system.

11 (2) The Board of Regents of the University of Nebraska
12 may, in its discretion, participate as a contracting party in any
13 service agreement entered into pursuant to subsection (1) of this
14 section.

15 Sec. 6. Section 86-418, Revised Statutes Supplement,
16 2004, is amended to read:

17 86-418. The division shall develop and adopt technical
18 and operational standards for any wireless communication system
19 acquired, developed, constructed, or replaced by any state agency
20 or any city, county, village, public power district, fire
21 protection district, or other political subdivision, including
22 joint entities and joint public agencies created pursuant to the
23 Interlocal Cooperation Act or Joint Public Agency Act. The ~~board~~
24 ~~with the~~ division shall develop incentives to encourage regional
25 cooperation in public safety communication throughout the state.
26 The ~~board~~ division shall assist local communities and public safety
27 agencies which desire to connect with the system. Incentive

1 alternatives may include financial incentives to encourage
2 migration by communities to the system and to reward communities
3 which coordinate efforts to form public safety communication
4 centers. Such incentives shall not mandate migration by public
5 safety agencies to the system.

6 Sec. 7. (1) The Regional Interoperability Advisory Board
7 is created. The board shall provide advice to the division
8 regarding the formation, expansion, and enhancement of regional
9 wireless communication systems to achieve interoperability. For
10 administrative and budgetary purposes, the board shall be within
11 the division. The division shall provide office space, equipment,
12 technical assistance, and staff support for the board.

13 (2) The advisory board shall consist of the following
14 members, all of whom shall be individuals with knowledge of the
15 communications needs of their represented constituency. The
16 advisory board shall be comprised of:

17 (a) A representative of the division;

18 (b) A representative of the Nebraska Emergency Management
19 Agency;

20 (c) Four representatives of regional wireless
21 communications systems.

22 (3) The members of the board shall be appointed by the
23 Governor. Each member's term shall be for two years from the date
24 of appointment. Members shall be reimbursed from the Public Safety
25 Communications Fund for their actual and necessary expenses
26 incurred in the performance of their duties as provided in sections
27 81-1174 to 81-1177.

1 (4) The board shall terminate on January 1, 2009.

2 Sec. 8. Section 86-516, Revised Statutes Supplement,
3 2004, is amended to read:

4 86-516. The commission shall:

5 (1) Annually by July 1, adopt policies and procedures
6 used to develop, review, and annually update a statewide technology
7 plan;

8 (2) Create an information technology clearinghouse to
9 identify and share best practices and new developments, as well as
10 identify existing problems and deficiencies;

11 (3) Review and adopt policies to provide incentives for
12 investments in information technology infrastructure services;

13 (4) Determine a broad strategy and objectives for
14 developing and sustaining information technology development in
15 Nebraska, including long-range funding strategies, research and
16 development investment, support and maintenance requirements, and
17 system usage and assessment guidelines;

18 (5) Adopt guidelines regarding project planning and
19 management, information sharing, and administrative and technical
20 review procedures involving state-owned or state-supported
21 technology and infrastructure. Governmental entities, state
22 agencies, and political subdivisions shall submit projects which
23 directly utilize state-appropriated funds for information
24 technology purposes to the process established by sections 86-512
25 to 86-524. Governmental entities and political subdivisions may
26 submit other projects involving information technology to the
27 commission for comment, review, and recommendations;

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1 (6) Adopt minimum technical standards, guidelines, and
2 architectures upon recommendation by the technical panel;

3 (7) Establish ad hoc technical advisory groups to study
4 and make recommendations on specific topics, including work groups
5 to establish, coordinate, and prioritize needs for education, local
6 communities, and state agencies;

7 (8) By November 15 of each even-numbered year, make
8 recommendations on technology investments to the Governor and the
9 Legislature, including a prioritized list of projects, reviewed by
10 the technical panel, for which new or additional funding is
11 requested;

12 (9) Approve grants from the Community Technology Fund and
13 Government Technology Collaboration Fund; and

14 (10) Adopt schedules and procedures for reporting needs,
15 priorities, and recommended projects. + and

16 ~~(11) Provide assistance upon request to the Public Safety~~
17 ~~Wireless Communication Advisory Board.~~

18 Sec. 9. Section 86-543, Revised Statutes Supplement,
19 2004, is amended to read:

20 86-543. (1) The council shall:

21 (a) Develop and publish one-year and five-year plans,
22 specifications, and recommendations for the data processing needs
23 of the state and for a network to provide for intergovernmental
24 transfer of data;

25 (b) Seek to eliminate duplication of effort through
26 coordination of related projects;

27 (c) Promote flexibility in the collection, use, and

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1 exchange of information in anticipation of future needs of the
2 state and its political subdivisions;

3 (d) Identify and recommend data processing applications
4 in anticipation of the future needs of state and local governments;

5 (e) Promote intergovernmental exchanges of data and
6 technical expertise;

7 (f) Report to, assist, and advise the Chief Information
8 Officer in setting information technology policy; and

9 (g) Provide assistance as requested by the Nebraska
10 Information Technology Commission to support the technical panel
11 created in section 86-521. + ~~and~~

12 ~~(h) Provide assistance upon request to the Public Safety~~
13 ~~Wireless Communication Advisory Board.~~

14 (2) The council may study and make recommendations,
15 including a cost-benefit analysis, concerning:

16 (a) State projects which involve intergovernmental
17 transfer of information in an electronic medium or
18 multijurisdictional data processing projects; and

19 (b) A local project only if the request for assistance
20 comes from the governmental subdivisions involved in the project.

21 Sec. 10. Section 86-572, Revised Statutes Supplement,
22 2004, is amended to read:

23 86-572. The Geographic Information System Steering
24 Committee shall:

25 (1) Make recommendations to the Legislature for program
26 initiatives and funding;

27 (2) Establish guidelines and policies for statewide

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1 Geographic Information System operations and management to include:

2 (a) The acquisition, development, maintenance, quality
3 assurance such as quality control standards, access, ownership,
4 cost recovery, and priorities of data bases;

5 (b) The compatibility, acquisition, and communications of
6 hardware and software;

7 (c) The assessment of needs, identification of scope,
8 setting of standards, and determination of an appropriate
9 enforcement mechanism;

10 (d) The fostering of training programs and promoting
11 education and information about the Geographic Information System;
12 and

13 (e) The promoting of the Geographic Information System
14 development in the State of Nebraska and providing or coordinating
15 additional support to address Geographic Information System issues
16 as such issues arise;

17 (3) Report to, assist, and advise the Chief Information
18 Officer in setting information technology policy; and

19 (4) Provide assistance as requested by the Nebraska
20 Information Technology Commission to support the technical panel
21 created in section 86-521. ~~+~~ and

22 ~~(5) Provide assistance upon request to the Public Safety~~
23 ~~Wireless Communication Advisory Board.~~

24 Sec. 11. Original sections 86-401, 86-402, 86-410,
25 86-414, 86-415, 86-418, 86-516, 86-543, and 86-572, Revised
26 Statutes Supplement, 2004, are repealed.

27 Sec. 12. The following sections are outright repealed:

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1 Sections 86-405, 86-406, 86-411 to 86-413, and 86-419, Revised
2 Statutes Supplement, 2004.

3 Sec. 13. Since an emergency exists, this act takes
4 effect when passed and approved according to law.".